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In re Application of ANLIKER :
U.S. Application No.: 10/538,168 :
PCT Application No.: PCT/DE2003/003229 : DECISION
Int. Filing Date: 27 September 2003 :
Priority Date Claimed: 02 October 2002 :
Attorney Docket No.: TMEY-00101-NUS :
For: SUPPOSITORY-PACKAGING DEVICE :

This is in response to applicant's "Renewed Petition Under 37 CFR 1.182" filed 14 November 2007, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 27 September 2003, applicant filed international application PCT/DE2003/003229, which claimed priority of an earlier Germany application filed 02 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 15 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 02 April 2005.

On 09 June 2005, applicant filed a petition to revive under 37 CFR 1.137(b) along with national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 February 2006, this Office mailed a decision granting the 09 June 2005 petition.

On 08 April 2006, applicant filed an executed declaration.

On 22 March 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the given name of the inventor listed on the declaration does not match that shown in the published international application.

On 17 October 2007, applicant filed a petition under 37 CFR 1.497(d).

On 02 November 2007, this Office mailed a decision dismissing the 17 October 2007 petition.

On 14 November 2007, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The published international application lists Franz Anliker as the sole inventor. The petition states that Markus Anliker is the sole inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the renewed petition states that no assignment has been executed by the originally named inventor.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 September 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 April 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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